Remuneration of Contract Employees in PSUs

*463. SHRI DIPLIP SINGH JUDEV: Will the Minister of LABOUR be pleased to state:

(a) whether Government are aware that some public sector undertakings are appointing technical and non-technical persons as contract employees on meagre remuneration;

(b) if so, under what rules these employees are being engaged;

(c) whether the service conditions of these employees are pitiable as compared to regular employees; and

(d) if so, what steps Government propose to take to direct the various public sector undertakings for regularisation of the services of these contract employees with proper salaries, allowances and other facilities?

THE MINISTER OF LABOUR (DR. SATYA NARAYAN JATIYA): (a) to (d) the Central Government have enacted the Contract Labour (Regulation and Abolition) Act, 1970 to protect the interests of contract labour engaged through contractors. It regulates the employment of contract labour in certain establishments and provides for its abolition in certain circumstances. The Act and the rules made thereunder also provides for the regulation of conditions of work, payment of wages and other amenities relating to welfare and health of contract labour.

The Contract Labour (Regulation and abolition) Central Rules, 1971 provides that the rates of wages payable to the workmen of the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 for such employment where applicable and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed. In case, where the workman employed by the contractor performs the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work. In other cases, the wage rates, holidays, hours of work and conditions of services of the workmen of the contractor shall be such as may be specified in this behalf by the Chief Labour Commissioner (Central). The data relating to payment of remuneration to contract workers by Central Public Sector Undertakings is not maintained centrally. However, complaints brought to the notice of the government regarding payment of less

remuneration and pitiable conditions of contract labour are dealt with and appropriate action taken under the provisions of the Act and the rules.

The Act does not provide for absorption of such labour on regular basis. In the aftermath of the judgement of the Supreme Court in Air India Statutory Corporations and Others Vs. United Labour Union and Others, however, the establishments engaging contract labour are under statutory obligation to absorb contract labourers on regular basis wherever the "appropiriate Government' by way of notification under section 10 of the Contract Labour (Regulation and abolition) Act, 1970 have prohibited employment of contract labour in any job/work/ process in the establishment. The criteria to be adopted for absorption of such contract labour on regular basis as per the judgement will be the duration of work, number of employees working on the job etc. In case of retrenchment due to excess staff, the principle of "last come, first go' will be applied subject to reappointment as and when vacancy arises.

The judgement of Hon'ble Supreme Court dated 6.12.96 in the case of Air India Statutory Corporations and Others Vs. United Labour Union and Others is the established law under Article 141 of the Constitution. It was published in 1997 LLR 288 and AIR 1997 SC 645. The implications of the judgement were examined in consultation with the Ministry of Law, Justice and Company Affairs and directions were issued to the emforcement agency of the Ministry of Labour to strictly implement the judgement in its letter and spirit.

Heavy Workload on Indian Missions in Arabian Countries

*465. SHRI M.J. VARKEY MATTATHIL: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government are aware that the workload on Indian Missions in Arabian Gulf has increased minifold;

(b) if so, whether Government proposed to strengthen these missions with sufficient staff and other facilities; and

(c) whether Government propose to open and additional consulate in Damman considering the heavy workload in the Indian embassy at Riyadh and consular office at Jeddah?